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Security Council

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Resolution 1862 (2009)

Adopted by the Security Council at its 6065th meeting, on 14 January 2009

The Security Council,

Affirming its strong commitment to the sovereignty, independence, territorial integrity and unity of both Djibouti and Eritrea, and *recalling* the importance of the principles of good-neighbourliness, non-interference and regional cooperation,

Recalling that in the statement of its President dated 12 June 2008 (S/PRST/2008/20) it condemned Eritrea's military action against Djibouti in Ras Doumeira and Doumeira Island and called upon the two parties to show maximum restraint and withdraw forces to the status quo ante,

Taking note of the letter of the Secretary-General dated 11 September 2008 (S/2008/602) in which he transmitted the report of the fact-finding mission he sent following its 5924th meeting (S/PV.5924),

Expressing its deep concern that, as mentioned in the report of the fact-finding mission referred to above, Eritrea has not withdrawn its forces to the status quo ante, as called for by the Security Council in the statement of its President dated 12 June 2008 (S/PRST/2008/20),

Reiterating its serious concern at the absence of dialogue between the two parties, and at the refusal of Eritrea so far to engage in dialogue, or to accept bilateral contacts, mediation or facilitation efforts by subregional or regional organizations or to respond positively to the efforts of the Secretary-General,

Noting that Djibouti has withdrawn its forces to the status quo ante and has cooperated fully with the fact-finding mission mentioned above, as well as with other missions sent by subregional and regional organizations,

Taking note of the first visit to Asmara, since the conflict of June 2008, of the Chairperson of the Commission of the African Union in October 2008,

Expressing its deep concern about the continuing tense border dispute between Djibouti and Eritrea and over the possible impact of the grave and unstable security situation in the area of Doumeira on subregional stability and security after the serious incidents of 10 June 2008, which led to dozens of deaths and wounded,

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1. *Urges* Djibouti and Eritrea to resolve their border dispute peacefully, as a matter of priority and in a manner consistent with international law, and *emphasizes* that it is the primary responsibility of the parties to set up the appropriate diplomatic and legal framework to this end;

2. *Reiterates its appreciation* for the efforts by the Secretary-General, the African Union and the Arab League to engage both parties, *encourages* them to strengthen their efforts in this regard and *encourages also* regional and subregional organizations as well as Members States that are in a position to provide their assistance to this end to do so;

3. *Welcomes* the offer of good offices made by the Secretary-General, *deeply regrets* that Eritrea has continuously refused to grant visas to the members of the fact-finding mission mentioned above, or to receive any envoy by the Secretary-General, and *welcomes* the continued readiness of the Secretary-General to send a fact-finding mission or an envoy to Eritrea;

4. *Welcomes* the fact that Djibouti has withdrawn its forces to the status quo ante, as called for by the Security Council in the statement of its President dated 12 June 2008 (S/PRST/2008/20) and established by the fact-finding mission, and *condemns* the refusal of Eritrea to do so;

5. *Demands* that Eritrea:

(i) *Withdraw* its forces and all their equipment to the positions of the status quo ante, and ensure that no military presence or activity is being pursued in the area where the conflict occurred in Ras Doumeira and Doumeira Island in June 2008, and

(ii) *Acknowledge* its border dispute with Djibouti in Ras Doumeira and Doumeira Island, *engage* actively in dialogue to defuse the tension and *engage also* in diplomatic efforts leading to a mutually acceptable settlement of the border issue, and

(iii) *Abide* by its international obligations as a Member of the United Nations, *respect* the principles mentioned in article 2, paragraphs 3, 4, and 5, and article 33 of the Charter, and *cooperate* fully with the Secretary-General, in particular through his proposal of good offices mentioned in paragraph 3;

6. *Demands* that Eritrea comply immediately with paragraph 5 above and, in any case, no later than five weeks after the adoption of this resolution;

7. *Requests* the Secretary-General to provide to it a report on the evolution of the situation, and on the compliance by both parties with their obligations, and on his contacts with both parties and, as appropriate, with the African Union and other relevant regional organizations no later than six weeks after the adoption of this resolution;

8. *Decides* to review the situation six weeks from the adoption of this resolution, on the basis of the report mentioned in paragraph 7, with a view to taking, as appropriate, a further decision;

9. *Decides* to remain actively seized of the matter.